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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
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Implementation of the )  
Local Competition Provisions ) CC Docket No. 96-98  
Of the Telecommunications Act of 1996 )  
 )  
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**BELLSOUTH COMMENTS IN OPPOSITION TO  
WORLDCom's PETITION FOR WAIVER**

BellSouth Corporation, on behalf of itself and its affiliated companies (BellSouth), files these comments in opposition to WorldCom's waiver petition. The "waiver" WorldCom seeks would repeal the Supplemental Order Clarification (Order),<sup>1</sup> not modify its operation. The carefully crafted requirements of that Order aim to preserve the status quo in the exchange access market and protect universal service funding and competitive access providers while the Commission prepares to reassess whether unbundling of network elements for exchange access meets the requirements of section 251(d)(2). What WorldCom seeks here is reversal of the Supplemental Order Clarification, and elimination of all of its safeguards.

Even accepting WorldCom's petition as procedurally legitimate, the substance of it contravenes several explicit judgments the Commission made in the Supplemental Order Clarification. The petition can, and should be, quickly rejected for each and every reason set out below.

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<sup>1</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket 96-98, Supplemental Order Clarification, FCC 00-183 (rel. June 2, 2000).

-- WorldCom's petition mischaracterizes the access services subject to the Order.

WorldCom's petition is based on its peculiar notion that switched access services are somehow outside the Order requirements, or that switched access services are really the same as local exchange services. This directly contravenes the letter and spirit of the Order. In that Order, the Commission pointed to the Act's distinction between local exchange service and access service. Access services include both switched and special access services. The Commission expressly noted the need to conduct a proceeding to determine whether network elements meet section 251(d)(2)'s unbundling test where carriers seek to provide access services.<sup>2</sup> WorldCom's "waiver" would preempt the planned proceeding to determine whether access network elements – switched and special -- can be unbundled under the Act's standard and Commission precedent.<sup>3</sup>

-- WorldCom's petition would prematurely undercut universal service funding. The Commission's concern with maintaining universal service funding was an essential policy concern underlying the Order. The requirements of the Order were designed to ensure that carriers would not threaten funding levels by converting access facilities to UNEs.<sup>4</sup> WorldCom's petition would allow the wholesale conversion of switched access facilities to UNEs. This would directly threaten the universal service funding that the Commission's Order explicitly seeks to protect, without any of the financial analysis that the Commission (and, for the matter WorldCom) believed necessary.<sup>5</sup>

-- WorldCom's petition would also undercut the market position of competitive access providers. The Order's requirements were designed to avoid a "flashcut" to

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<sup>2</sup> Order at ¶14.

<sup>3</sup> Order at ¶28

<sup>4</sup> Order at ¶7.

<sup>5</sup> Order at ¶17.

unbundled network elements “with potentially severe consequences for the competitive access market.”<sup>6</sup> The competitive access market includes both switched and dedicated access facilities. WorldCom’s petition would result in a “flashcut” of access facilities, with the unfavorable market consequences the Commission wanted to avoid.

-- WorldCom’s petition would gut the Order by removing its local exchange service requirements. The Order’s requirements were based on the notion that carriers should be able to use UNEs to deliver local exchange service. Whether carriers could convert access circuits – switched as well as special -- to UNEs was to await a further proceeding.<sup>7</sup> WorldCom asks the Commission to drop the local exchange service requirements and substitute a promise that the facilities will not carry one subset of access traffic – special access. Thus, WorldCom proposes that facilities carrying 100 percent switched access traffic could be converted to UNEs, as if they carried local exchange traffic. In fact, these facilities may carry no local traffic, and often do carry no local traffic. This would be directly at odds with the requirements of the Order and would prejudice the outcome of the Commission’s planned proceeding to determine whether UNEs should be available for the provision of access services. Essentially, WorldCom is arguing that by removing local call restrictions from WATS-like services, the circuit should become a local exchange circuit, even though 100 percent of the traffic may be switched interexchange traffic. This WATS-like arrangement is hardly unique to WorldCom. The loophole created by WorldCom’s petition could be exploited by at least all the large interexchange carriers, quickly undoing the interim protections of the Order.

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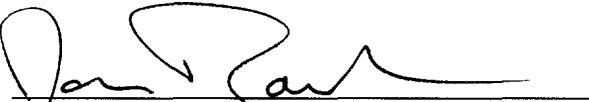
<sup>6</sup> Order at ¶18.

<sup>7</sup> Order at ¶28.

-- WorldCom's assertion that every circuit that terminates in a Class 5 switch is a local exchange circuit has been already been rejected by the Commission.<sup>8</sup> WorldCom's petition supplies no reason for the Commission to reverse position.

WorldCom's petition is hardly a waiver request. It would gut the Order's carefully crafted interim protections. Those protections are designed to ensure that universal service funding and competitive access providers are protected while the Commission conducts the unbundling analysis legally required by section 251(d)(2). Until the proceeding is complete, there is no legal basis on which to substitute UNEs for facilities used to deliver access services. The Commission's proceeding is scheduled to begin in 2001.<sup>9</sup> WorldCom's petition cannot be granted in the interim.

Respectfully submitted,



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<sup>8</sup> Order at ¶25.

<sup>9</sup> Order at ¶28.

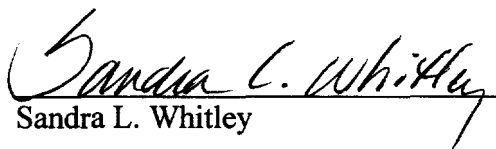
**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 2<sup>nd</sup> day of October, 2000 served the following parties to this action with a copy of the foregoing **Bellsouth Comments in Opposition to Worldcom's Petition for Waiver** by hand delivery to the parties listed below.

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